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**Remarks**

Reconsideration of this application is requested. By this response to the Office Action dated June 13, 2006, claims 1, 3 and 17 have been amended. Claim 18 has been canceled. Claims 1-3, 17 and 19 remain in the application.

**Support for Applicant's amended language to claim 1**

Applicant's claim 1 recites configuring a first datapath from several predefined configurations, wherein a type of data encoding for the received modulated data stored in the buffer for a first user establishes a protocol that determines a configuration for the first datapath. The specification on page 6, lines 9-17, discloses that the protocol used in determining the configuration for the datapath is revealed by a controller based upon the type of data encoding for the stored data in the buffer.

**Response to the 35 U.S.C. §103(a) Rejection**

The Office Action rejected claims 1 and 3 and 19 under 35 U.S.C. §103(a) as being unpatentable over Kameno et al. (U.S. Patent No. 6,282,234,694) in view of Schmidl (U.S. 6,816,541).

**Claims 1, 3**

Kameno et al. teach in column 2, lines 1-17, and illustrate in FIG. 1 a three-finger RAKE synthesizing the demodulation output, with the three data paths resolving phase differences caused by the multipath environment. The three-finger RAKE synthesizer includes three sets of code generators (114-1, 114-2 and 114-3), three correlators (115-1, 115-2 and 115-3) and synchronous detection circuits (116-1, 116-2 and 116-3). Signals received by an antenna 111 are amplified, frequency-converted and detected in a radio section 112 and converted to baseband signals. A path search section 113 determines a phase difference in each path. A despreading code is generated by each of the code generators to operate the correlator in that path at a timing indicated by the path search section 113. For each path, the results of each output detected by the synchronous detection circuit 116 are taken into a shift register 117 where stages are

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set and delayed in accordance with the phase difference in each path indicated by the path search section 113.

Schmidl (U.S. 6,816,541) teaches spread spectrum interference cancellation. Iterative parallel interference cancellation estimations are generated for signals received from multiple coded sources or a source with multiple coded outputs. After each iteration of the interference canceller, the terms for each of the paths of a user for one symbol are combined and a decision on the symbol is made to find the data estimate. FIG. 1a shows reception with a RAKE detector having the multiple fingers 151 for each user with the Maximal Ratio Combining (MRC) for initial estimates 153, cross-correlations with updated estimates 155, and sequential (MRC) estimations with interference cancellation 157. FIG. 1b shows the sequential updating of the estimations during an iteration. The estimation is a hybrid of parallel (staged iterations) and sequential (estimate in order using most recent estimates of others) estimations.

Applicant's claim 1 recites storing the received modulated data in a buffer and determining a type of data encoding for the received modulated data stored in the buffer for a first user to establish a protocol that determines a configuration for the first datapath. Neither Kameno et al. nor Schmidl, either separately or taken in combination, illustrate in the figures or teach in the specification that the received modulated data is stored in a buffer. Whereas Applicant's claim 1 recites that the type of data encoding is determined for the received modulated data stored in the buffer, note that the references provide receivers for CDMA modulation and neither reference deals with determining a type of data encoding. Therefore, neither reference teaches that the type of data encoding for a first user establishes a protocol that determines a configuration for the first datapath as claimed in Applicant's claim 1. Accordingly, the Kameno et al. reference and the Schmidl reference in combination are not sufficient to describe Applicant's claim 1 and it is believed that the 35 U.S.C. §103(a) rejection should be removed.

The dependent claim 3 is believed allowable over the art of record for at least the same reasons as Applicant's base claim 1.

#### Claim 19

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The Examiner states that Applicant's claim 18 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant's independent claim 17 has been amended to include the elements and limitations of dependent claim 18, and therefore, it is believed that Applicant's claim 17 is allowable over the art of record.

Applicant's claim 19 depends from base claim 17 and is believed to be allowable over the art of record for at least the same reasons as Applicant's claim 17.

**Response to the 35 U.S.C. §103(a) Rejection**

The Office Action rejected claims 2 and 17 under 35 U.S.C. §103(a) as being unpatentable over Kameno et al. (U.S. Patent No. 6,282,234,694) and Schmidl (U.S. 6,816,541) in view of Uesugi.

Applicant's independent claim 1 has been amended to overcome the art of record. As previously mentioned, Applicant's claim 1 recites storing the received modulated data in a buffer and determining a type of data encoding for the received modulated data. Kameno et al., Schmidl, and Uesugi taken as a whole do not illustrate in the figures or teach in the specification that the received modulated data is stored in a buffer. Further, these references do not teach or suggest using the data stored in the buffer to determine a type of data encoding that is then used to determine a configuration.

Accordingly, the Kameno et al. reference, the Schmidl reference and the Uesugi reference taken together are not sufficient to describe Applicant's claim 1. Applicant's claim 2 depends from base claim 1 and is believed to be allowable over the art of record for at least the same reasons as Applicant's claim 1.

Applicant's claim 17 has been amended to include all of the limitations of Applicant's claim 18 as previously stated, and therefore, it is believed that Applicant's claim 17 is allowable over the art of record.

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**Conclusion**

The foregoing is submitted as a full and complete response to the Office Action mailed June 13, 2006, and reconsideration of the rejections is requested. It is submitted that claims 1-3 and 17 and 19 are now in condition for allowance. Allowance of these claims is earnestly solicited.

Applicants herewith petition the Director of the United States Patent and Trademark Office to extend the time for response to the Office Action dated June 13, 2006, for 3 months. Please charge Deposit Account #50-0221 in the amount of \$1,020.00 for a three month extension. Should it be determined that an additional fee is due under 37 CFR §1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #50-0221.

If the Examiner believes that there are any informalities that can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 715-5388 is respectfully solicited.

Respectfully submitted,  
Craig B. Greenberg

/Lanny L. Parker/

Lanny L. Parker  
Patent Agent  
Reg. No. 44,281

c/o Blakely, Sokoloff, Taylor & Zafman, LLP  
12400 Wilshire Blvd., Seventh Floor  
Los Angeles, CA 90025-1026  
(503) 264-0967